UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

MICHAEL FAULK,)	
)	
Plaintiff,)	
)	
VS.)	Case No. 4:18CV308 JCH
)	
CITY OF ST. LOUIS, MISSOURI, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on the Motion to Dismiss Counts I, IV, V, VI, VII, VIII, IX and X by the City of St. Louis ("City"), filed August 20, 2019. (ECF No. 84). In its memorandum in support of said motion, the City acknowledges both that Plaintiff's Fourth Amended Complaint is largely identical to his Third Amended Complaint, and that other than with respect to its claim of sovereign immunity from Plaintiff's state law claims, the City's arguments are substantively identical to those previously raised by the City and ruled on by the Court. (*See* Memorandum in Support of City's Motion to Dismiss Counts I, IV, V, VI, VII, VIII, IX and X ("City's Memo in Support"), P. 1). Upon consideration of the parties' submissions, the Court now affirms its earlier rulings, including its ruling on the issue of sovereign immunity.²

¹ The City explains it raises its earlier arguments to preserve the record and avoid any later assertion the arguments were abandoned. (City's Memo in Support, P. 1).

² As noted in its earlier order, the undersigned agrees with the other judges in this District who have held that the same or similar allegations of PFPC insurance or self-insurance are sufficient at the motion to dismiss stage to demonstrate that Plaintiff's state-law tort claims fall within an exception to sovereign immunity under Mo. Rev. Stat. § 537.610.1. See, e.g., Aldridge v. City of St. Louis, Mo., 4:18CV1677 CAS, 2019 WL 1695982, at *13 (E.D. Mo. Apr. 17, 2019); Laney v. City of St. Louis, Mo., 4:18CV1575 CDP, 2019 WL 2423308, at *7 (E.D. Mo. Jun. 10, 2019); Fortenberry v. City of St. Louis, 4:18CV1937 JCH, 2019 WL 1242671, at *7 (E.D. Mo. Mar. 18, 2019).

CONCLUSION

Accordingly,

IT IS HEREBY ORDERED that the Motion to Dismiss Counts I, IV, V, VI, VII, VIII, IX and X by the City of St. Louis (ECF No. 84) is **GRANTED** in part and **DENIED** in part. The motion is **GRANTED** as to Plaintiff's § 1983 *Monell* claims against Defendant City of St. Louis in Count V based on failure to train and supervise, and **DENIED** in all other respects.

IT IS FURTHER ORDERED that Defendant City of St. Louis is granted until November 18, 2019, within which to file its Answer to Plaintiff's Fourth Amended Complaint.

Dated this 29th Day of October, 2019.

\s\ Jean C. Hamilton
UNITED STATES DISTRICT JUDGE